

S T A T E O F N E W Y O R K

4315--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. GALEF, REILLY, SCHIMMINGER, ORTIZ, JAFFEE, ALFANO, PAULIN, DelMONTE, N. RIVERA -- Multi-Sponsored by -- M. of A. BARRA, BOYLAND, CAHILL, CHRISTENSEN, COLTON, DINOWITZ, DUPREY, FARRELL, FIELDS, FINCH, GIGLIO, GOTTFRIED, GUNTHER, JORDAN, LIFTON, MAGEE, MAYERSOHN, McDONOUGH, McENENY, McKEVITT, J. MILLER, MOLINARO, PHEFFER, RABBITT, J. RIVERA, P. RIVERA, ROBINSON, SAYWARD, SCHROEDER, SPANO, SWEENEY, THIELE, TOWNS, WEISENBERG -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to applications for absentee ballots for school district elections

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraphs b, c, d, e, f and g of subdivision 2 of section
2 2018-a of the education law, paragraph b as amended by chapter 136 of
3 the laws of 1991, paragraph c as amended by chapter 26 of the laws of
4 1994, paragraph d as amended by chapter 72 of the laws of 1988, para-
5 graphs e and f as added by chapter 219 of the laws of 1978 and paragraph
6 g as amended by chapter 825 of the laws of 1984, are amended to read as
7 follows:
8 b. [(1) Where such duties, occupation, business, or studies are of
9 such a nature as ordinarily to require such absence, a brief description
10 of such duties, occupation, business, or studies shall be set forth in
11 such application. (2) Where such duties, occupation, business, or
12 studies are not of such a nature as ordinarily to require such absence,
13 such application shall contain a statement of the special circumstances
14 on account of which such absence is required.
15 c. Where the applicant expects in good faith to be absent on the day
16 of the election because he will be on vacation elsewhere on such day,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 such application shall also contain the dates upon which he expects to
2 begin and end such vacation, the place or places where he expects to be
3 on such vacation, the name and address of his employer, if any, and if
4 self-employed or retired, a statement to that effect.

5 d.] Where the absence is because [of detention or confinement to] THE
6 VOTER IS DETAINED OR CONFINED IN jail[, such application shall state
7 whether the voter is detained] awaiting action of the grand jury or is
8 confined IN JAIL OR PRISON after conviction for an offense other than a
9 felony.

10 [e. Where a person is or would be, if he were a qualified voter,
11 entitled to apply for the right to vote by absentee ballot under the
12 provisions of this section, his spouse, parent or child, if a qualified
13 voter and a resident of the same school district, shall be entitled to
14 vote as an absentee voter upon personally making and signing an applica-
15 tion in accordance with the preceding provisions of this subdivision and
16 showing that he expects to be absent from the school district on the day
17 of the school district election by reason of accompanying or being with
18 the spouse, child or parent who is or would be, if he were a qualified
19 voter, so entitled to apply for the right to vote by absentee ballot,
20 and, in the event no application is made by such spouse, child or
21 parent, such further information as the board of registration shall
22 require.

23 f] C. Such application shall include the following statement to be
24 signed by the voter.

25 I hereby declare that the foregoing is a true statement to the best of
26 my knowledge and belief, and I understand that if I make any material
27 false statement in the foregoing statement of application for absentee
28 ballots, I shall be guilty of a misdemeanor.

29 Date.....Signature of Voter

30 [g] D. An applicant whose ability to appear personally at the polling
31 place of the school district of which he OR SHE is a qualified voter is
32 substantially impaired by reason of permanent illness or physical disa-
33 bility and whose registration record has been marked "permanently disa-
34 bled" by the board of elections pursuant to the provisions of the
35 election law shall be entitled to receive an absentee ballot pursuant to
36 the provisions of this section without making separate application for
37 such absentee ballot, and the board of registration upon being advised
38 by the board of elections on or with the list of registered voters that
39 the registration record of a voter is marked "permanently disabled"
40 shall send an absentee ballot to such voter at his last known address
41 with a request to the postal authorities not to forward same but to
42 return same in five days in the event that it cannot be delivered to the
43 addressee. The board of education shall determine whether such ballot
44 shall be sent by first class or by certified mail. All such ballots
45 shall be mailed in the same manner as determined by the board of educa-
46 tion. The board of registration shall make an appropriate entry on the
47 registration indicating the fact that an absentee ballot has been sent
48 and the date of mailing.

49 S 2. This act shall take effect on the ninetieth day after it shall
50 have become a law.